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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Miscellaneous Civil Application No. 38 of 2006

Mrs. Vanita S. Kokate .... Applicants

Vs.

Mr. Sanjay Vilas Kokate ... Respondent

Mr. Vikas M. Mali, Advocate for the Applicants.

Mr. Maehindra Patil, Advocate for Respondent.

CORAM : D. G. KARNIK, J.

DATE : SEPTEMBER 7, 2006.

P.C.

1. Heard the learned counsel for the parties. By consent, the petition is heard finally at the stage of admission.

2. This petition is filed by the petitioner for transfer of matrimonial proceedings, bearing H.M.P. No. 111 of 2005, from the Court of Civil Judge, S.D. Pandharpur to the Court of Civil Judge S.D. Sangli.

3. The only ground alleged by the wife for the transfer is that the distance between her place of residence, which is at village Kumthe, taluka Tasgaon, District Sangli and

Pandharpur is 150 Kms. and she cannot afford the expenses of travel. She further states that she is required to spend for travelling expenses of two persons because one of her parents is required to accompany her. The inconvenience alleged is only of the expenses of travel, and no other.

4. Learned counsel for the respondent states that the respondent is willing to bear the expenses of travel of the petitioner and one accompanying person as also the expenses incidental to the travel. Learned counsel for the petitioner states that expenses of bare travel of two persons would be Rs.300 per visit. The respondent through his counsel, shows willingness to Rs. 500/- per trip to the petitioner.

5. The respondent through his counsel for respondent undertakents to this court that the respondent would pay to the petitioner for expenses a sum of Rs.500 on every date on which the petitioner visits Pandharpur. The

undertaking is recorded and accepted.

6. In view of this, no orders of transfer are necessary. Accordingly, Miscellaneous Application is dismissed. The respondent is however, directed to pay to the petitioner on every date on which she is required to visit Pandharpur, a sum of Rs.500/-. The amount shall be paid on every date, at the time of her visit in the trial Court. If any default is committed by the respondent, the trial court shall dismiss the respondent's petition for breach of the undertaking given to this Court.

[D. G. KARNIK, J.]